

**Milton Town Council Meeting
Milton Library - 121 Union Street
Monday, November 1, 2010
6:30 p.m.**

[Minutes are NOT Verbatim]

Recording Secretary: Helene Rodgville

1. Update on the possibility of a Farmer's Market – Kelli Steele, State of Delaware, Marketing Communications Officer
Mayor Newlands: Good evening everybody. One issue, we do not have speakers working, so if you want to come a little more forward, the speakers are not working. The microphones are working to record everything, but the speakers are not working. There's a hum on the system for some reason. Relay it back? We are going to get started. We have an update now on the possibility of a Farmer's Market with Kelli Steele from State of Delaware, the Marketing Communications Officer.
Kelli Steele: Good evening Mayor and Council. My name is Kelli Steele; I'm the Marketing Communications Officer for the Delaware Department of Agriculture and a little bit of background. I did 17 years of radio news broadcasting when I got out of college; I know a few of you, Leah, how are you? I graduated from the University of Maryland in 1986 and I got into radio news broadcasting and I did that for 17 years; until Gov. Ruth Ann Minner was elected; she asked me to them come on board as her press secretary, which I did for the first six years that she was in office. At six years I knew that it was time for me to make a career change, because as we all knew she couldn't run for another term and the administration would be changing; so I was brought over from the Governor's Office to the Department of Agriculture to start a marketing department at the Delaware Department of Agriculture under then Secretary Michael Scuse. So I have been doing that, it will be five years in February. I do have some hand-outs tonight and I'm going to give them to C Lester; he can pass them down and we'll talk about them. I'm here tonight for a number of reasons, including asking for your support, ideas and suggestions for a Farmer's Market. Several months ago C Lester emailed me regarding the possibility of a Farmer's Market and following several emails and a lengthy phone conversation, I then came down to meet with him to discuss the project further and also to look at the proposed site for the Farmer's Market. Since that time, C Lester has sent out the survey about a possible market and he has also spoken with several vendors and that's one of the hand-outs that he'll be sending down your way in a couple of seconds. The number of Farmer's Markets has increased dramatically over the years. There were six markets in the State of Delaware when I came on board in February 2006. Between February 2006 and July of 2006, which is typically when a market season starts, I increased the number from six to nine; so we opened with nine Farmer's Markets in 2006. In 2007 there were again nine Farmer's Markets, but our total sales increased by 54%; and you'll see that in a hand-out too, coming

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down your way. In 2008 there were eleven Farmer's Markets and sales increased once again; this same to 77%. In 2009, we went from eleven markets to fifteen markets with a sales increase of 40% and for the first time, total Farmer's Market sales topped \$1.1 million. That's the first time in the State of Delaware that that's ever been accomplished. Moving on to this past season, 2010; I started the season with sixteen Farmer's Markets, however, the Camp Fresh and the Brandywine Urban Markets up in Newcastle County closed, just as the season was starting. The Little Italy Market then decided to close half-way through the season due to a lack of a produce vendors; so we basically ended the 2010 season with thirteen Farmer's Markets; two less than last year; however, those thirteen markets had so far; and I emphasize, so far, because the market season is not over yet, so far a whopping \$1.2 million. We have one Farmer's Market left open in the state, that's the co-op Farmer's Market up in Newcastle County; they are open through the end of November; and I'm hoping, keeping fingers crossed, that sales go past the \$1.3 million mark. So it's been a great season; even with the drought; it's been a great, great season. Let me just say to you and to any farmers that may be in the room tonight; farmers are business people; and Farmer's Markets continue to be an increasing source of income for farmers. Farmers are my only concern when it comes to Farmer's Markets. I have to look out for the farmers because of the position I'm in with the State of Delaware. That's not to say as I was just saying to Norm, before the meeting started, that's not to say I'm not working for the bread vendors and the cookie vendors; they all complement the farmers; but my number one concern is the farmers, at those markets; making sure that they are making money. Without the farmers, we cannot have a Farmer's Market. It has been tried and we failed miserably. I've gone before Mayors and Councils, I'm not going to name any names tonight; but I've gone before Mayors and Councils and against my advice they've gone ahead; they've opened Farmer's Markets and after one year, they have failed miserably, because they've had one farmer and the rest are the soap makers, the pocketbook vendors, all the other things. They are flea markets. I'm sure that the current Secretary of Agriculture, Ed Kee, does not want to see any more flea markets opening up under the auspices of Farmer's Markets in the State of Delaware. Typically, here's how a Farmer's Market gets started in Delaware and I'm going to use the Rehoboth Market and the Historic Lewes Market as examples; because right now the beach markets Lewes, Rehoboth, Bethany and Fenwick are the top grossing markets in the States. Lewes and Rehoboth are the top markets in the State. These markets are bringing in a phenomenal amount of money. In both cases, a group of people got together and they formed a non-profit. In Lewes, it was a group of professional women who owned homes in Lewes, but who actually own a bookstore in Washington, DC; who basically wanted to make a difference in their community by helping farmers and giving consumers a place to buy fresh fruits and vegetables, along with healthy breads, organic produce, cooking demonstrations, things like that. In Rehoboth, the same thing happened. Two businesswomen and a City Councilman, formed a non-profit. These two non-profit groups then went out and they found a location for their respective markets; historic Lewes, of course, is located at the Historical Society; Rehoboth is located

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at Grove Park. They set up rules, regulations; they decided days, dates and times for their markets; and they went before their respective town and city councils as a general courtesy to ask for the Council's blessing; basically, just what I'm doing with you tonight. After all those details were put in place, the groups called me and I sat down with them to give them each some general direction and we talked about how the markets should be managed; weekly reports needing to be turned into me in a timely fashion; pricing; that sort of thing. All that said I need someone to take the lead with this Farmer's Markets. All of the markets in Delaware are community sponsored markets. The Delaware Department of Agriculture, nor myself, are not in the business of running Farmer's Markets. I go out, I advise, I make sure that its Delaware produce being sold, I have closed markets down because it was not Delaware produce being sold. You guys have to run the market. The cities have got to run the markets. So I need somebody to take the lead. If we're not going to have a non-profit running it, I at least need a market manager who will be spearheading everything. The next thing I need is a location and we have that, I think, thanks to Norm Lester and Tom Draper. So that's where we stand right now. Thanks for your time. I look forward to working with you. Hopefully we can have a Farmer's Market up and running for the 2011 season. I don't want to open a market, as I just told C Lester and we've discussed many times already, I don't want to open a Farmer's Market just for the sake of Milton being able to say we have a Farmer's Market. I want it to be successful if we do it and I want to do it properly. Thank you for your time. Are there any questions?

Mayor Newlands: Is there a blueprint that we are supposed to follow; are you going to guide us.

Kelli Steele: There is no blueprint. I will guide you. I will put C Lester in touch; I've already told him about this; I will put him in touch with some of the other more successful market managers. Like I said, we need written rules and regulations. We need a commitment. Looking over your vendor list, Norm's done a great job, so far. But it is my opinion we need quite a few more farmers to make this a successful market. Again, I'm dealing with the farmers; the bread makers, all of that, the coffee vendors, it's good to have at the market, because it complements a Farmer's Market when you go to Lewes. How many of you have been to Lewes or Rehoboth markets? Okay. You know they are successful markets; you go there, you see people you haven't seen in a week or two, you converse, you buy your produce for the week, it's a family outing. The Mayors and Councils of both of those cities are behind those markets 100%. The Delaware Department of Agriculture ("DDA") will provide some funding for advertising. You see the advertising that we ran this year for all the markets. That's the booklet of rules and regulations, Leah that you're holding. There is a flyer of one of the ads that we took out in local papers this year, that lists all the Farmer's Markets statewide, so Milton, of course, would be included in that, should we get this market up and running.

Mayor Newlands: What is a typical season?

Kelli Steele: The first market, since I've been on board, I've been trying to get the markets uniform; to open Memorial Day through Labor Day. The farmers and the

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individual market managers are not so cooperative. It makes it difficult to advertise when you've got thirteen markets all opening on different days at different times of the year. Typically Milford is the first market to open in the season; they open in April with the Bug and Bud Festival; much too early for a Farmer's Market; that's just my opinion. About the only thing out there are some greens and strawberries. But that's about it. But they always open early and typically Co-op Farmer's Market up in Newark is the last one to close. They're opened through November 21st. So that's way too late for a Farmer's Market. So I would suggest Memorial Day to Labor Day; if not shorter than that, even. But that's a typical season.

C Duby: One question for you and then one possibly for Norm. You mentioned that there has to be a person or a group that wants to do this; that then comes to the Council for its blessing. Have you had a situation where the town government was more involved then that and actually did some running of it?

Kelli Steele: No the town government usually does not run it; but I wouldn't be opposed to that at all. I would like to see actually a town government in this case, be a huge part of this market, especially since C Lester is the one spearheading this effort.

C Duby: Then the question I would have for you is, are you going to run it or do you have someone who is interested; or is there a group of folks who are interested; or where are we in terms of that?

C Lester: Well there are a group of folks that have volunteered to be on the Board of Directors and I would be happy to... I don't know anything about gardening or growing vegetables...

Kelli Steele: The people running the market don't have to be; they have to make sure that everybody is set up at any given time; make sure that nobody starts selling before the market opens, because that's just price cutting, as far as I'm concerned; make sure that all the trash is cleaned up when the market is over, that sort of thing. So it's more management than anything. Make sure that the figures are turned in to me properly.

C Lester: I would be willing to accept that piece. I would just do the best I can. The response I've gotten so far from people... And I've got some more surveys that came in today; people are positive; it excites me and I just hope that it works.

Kelli Steele: You do have a booklet of rules and regulations that after several of these presentations going around to the different towns and speaking with Mayors and Councils, I was getting the same questions; are there written rules and regulations? The Delaware Department of Agriculture has never had written rules and regulations governing their Farmer's Markets, so I wrote what I think is a fairly simple pamphlet, just basic rules and regulations that most of the markets are now following. If you read through there you'll probably get a lot of your questions answered.

C Martin-Brown: I was curious, how do you manage the marketing of products alleged to be organic? Does the State certify organic?

Kelli Steele: The State has begun a program to certify organic growers; currently there are only five certified organic growers in the State. We have one of our marketing specialists currently working on that right now to certify more people.

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Our current Secretary of Agriculture is not a big proponent; not a huge proponent of organics. I know more and more consumers want to see more organically grown stuff. The Lewes market and the Rehoboth markets do have a lot of niche products that you will not find at other markets; they have a lot of organics and stuff like that.

C Martin-Brown: The reason I'm asking is in terms of false advertising; I think that's something we should be conscious of, that if somebody is marketing something as organic; is it or how do we know?

Kelli Steele: They can market it as organic; they just can't say they are "certified", because DDA knows who is certified and who is not.

C Martin-Brown: Thank you.

C Duby: You obviously have the big picture of the whole state and one of the questions I raised when C Lester first raised this issue; I love the idea of Farmer's Markets; I go to them all over the place; the thing that occurred to me is that there are so many in this area already, with Lewes and Rehoboth and Milford and I notice as you pointed out; that there aren't a lot of farmers on this list; how do we judge whether or not we could draw enough farmers, if they are already... Do we pick a day there isn't one everywhere else so we get some of the same farmers? Do we try to find others? I'm just a little concerned about market saturation.

Kelli Steele: I'm glad you brought this topic up, because I didn't want to sound like negative Nellie up here tonight and I actually wasn't going to talk about this; but C Lester and I did talk about it when we first met. My concern, and I say concern, because it is a genuine concern; my concern is again when I came on board there were six markets. We now have thirteen. And sales have increased; they've soared. My concern is and I've sat down with the Secretary of Agriculture recently and I think he's on the same page as I am. We're at that let's not do anymore markets almost. I say that with a little trepidation, because I don't want to squash this project. If it can be done and we can find farmers, that are committed and are interested, it would definitely serve the city of Milton well to have a Farmer's Market. We've opened Farmer's Markets before; they haven't worked out because the commitment of the farmer's wasn't there. Just before the meeting started I was saying this to C Lester; I don't want to use the word "flighty" and farmers in the same sentence; but, if they go to a market on any given week and they are not making money; they will not show up the next week. And if they do not continue to show up, the customers will not continue to show up. You have got to have a commitment from them. You have got to throw some support behind them; whether that be through showing up yourselves and shopping, to show them that the Mayor and Council shops here; helping with some advertising dollars or other monies that need to be to get this market started. It's a tricky situation.

C Duby: One of the reasons I asked, is because I've gone several times to the Georgetown one.

Kelli Steele: The new one or the old one?

C Duby: Well the most recent one. It was out at the sports complex. I wasn't there in the beginning of that market, so I don't know how it was in the

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beginning; but I went several times later and it seemed like every time I went there were fewer and fewer people. The last time I think there were four vendors. Kelli Steele: It's funny, the Georgetown Market, the woman who actually was asked to run that market, Pat Colluzzi, is a City Councilman in Rehoboth and she runs the Rehoboth Market; it was her idea for the Rehoboth Market. She's very business savvy; she knows her stuff. The Chamber of Commerce in Georgetown decided this year, at the beginning of the season, they wanted to try a Farmer's Market again; and I don't know if you know it or not, but we had a Farmer's Market a couple of years ago in Georgetown; it did not work out, because the commitment was not there from the farmers, from the business people, from the Mayor and Council; anyway the Chamber of Commerce asked Pat to come in and run a market; they moved it from downtown Georgetown out to Sports at the Beach Complex; perfect location in my opinion; because you're getting Friday night traffic; it was Fridays, 3 to 6 p.m.; that Georgetown Market, Pat Colluzzi, the Manager was coming from Rehoboth, which is making a lot of money; so in her eyes; in fact I just had a meeting with her two weeks ago; in her eyes that market failed this year. But I pulled out the numbers and that market actually brought in more money than six other markets statewide, so the market didn't do badly, but here's the problem, already the vendors are saying we don't want to do it next year. I've got consumers saying, I want to shop at the market next year. So what do you do?

C Martin-Brown: Send them to Milton.

Kelli Steele: See the problem is a lot of the farmers in this area are already doing Milford Market and the more successful Beach markets; and they are not going to leave those markets to do a different market, when they are making a lot of money. A quart of strawberries at Lewes market is going for \$8, \$9, \$10 and people are paying it. So, you know, why would you leave it? It's the highest grossing market in the State. You've got the tourists and even the residents; they're paying it because they know it's fresh. I would like to see a market in Milton, but I want to see a successful market in Milton. Trial and error, we won't know unless we try; but I've been there, done that. I think I know what I'm talking about, so C Lester.

C Lester: You do know what you're talking about. I want to take this opportunity, any time I have contacted Kelli she's always responded; I mean this was an off the cuff idea; you can in and looked around. Also the people in town have been very responsive and I have to thank Mr. Draper; he stood right up, I really didn't have to ask him, but he did volunteer that land for our use.

Kelli Steele: I think the location that he has offered up is perfect.

C Lester: Maybe the tides are moving, the right Karma is here, I don't know. We just hope. You've just got to get the farmers; I can get the other people.

Kelli Steele: I can get you all the farmers you need; it's getting them, as I said, to commit. I'm not throwing anybody under the bus, but a couple of names on that list, they've done other markets and they haven't been the most... If they don't make money, they're not coming back the next week. I don't know who in this room is a business person, but you're going to have your ups and downs; you're not always going to make money; but if I go back to a Farmer's Market, if I go

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one week and I buy really great strawberries and I go back the next week and that same vendor is not there, I'm going to start wondering why they aren't there.

C Lester: Thank you for coming down.

Kelli Steele: Thank you for your time and let me know what I can do to help.

Mayor Newlands: Thank you.

2. Public Participation

- c. Kathryn Greig, 26 Union Street: Good evening. Usually I'm here speaking of the Garden Club, but that's old news, because I'm not President anymore. I still speak for them, but tonight I'm speaking for Antiques in Milton. My son has gone to Graduate School and suddenly I find myself working for him and running the store and I want to thank Bob Howard and the Economic Development Committee for having the consultant last week. I thought it was very good and it inspired me to try to get a little something going in the Business Community. I was very, very involved in Main Street, when I had my business in York, PA and I know we don't have Main Street here; and we don't have the money for a Director; but I thought I know what the Director would be doing, so I'm going to do it. I've gone out and I have commitments from sixteen businesses to have a little get together; a little Open House; on Saturday, December 11th. We're all going to stay open. Listen to this, we're staying open until 7:00 p.m. and the streets are not going to fold up that night. Most of the businesses are downtown; probably some of you don't even realize there are that many businesses downtown but they are all paying Antiques in Milton \$40 and I'm taking care of the advertising. We're advertising in a couple of newspapers; we're putting out little cards on card stock that all of us are going to be passing out; we're going to be offering discounts; we're going to be offering refreshments; it's the day of the Holly Fest; that night is the night of the House Tour, so if we can get people here in Milton, we're going to just keep them all day long. I wanted to let the Council and the public know that this is going on; that we're not all dead and as the lady said, ups and downs; boy the Antique business has a lot of ups and downs and I was very happy that the response I got from the other businesses who want to be a part of this; and a couple of them are going to offer some really special things that day and evening.

Mayor Newlands: That's very good news. Thank you very much.

- d. Virginia Weeks, 119 Clifton Street: I want to thank you for putting the budget online. I had trouble finding it, so I just wanted to let people know that it's under News and Notices, rather than Public Documents. But it's there.

Mayor Newlands: It should be under the Finance Department, as well.

Virginia Weeks: I didn't see it there, but I didn't look real hard under Finance Department. The other thing I wanted to ask is I noticed that once again No. 12 on the Agenda is Finance Report and Expenditures Revenue Report. Is there one?

Mayor Newlands: Not until next month. What we're doing is we're running a month behind; we had said this about I think May or so; instead of ending the report on the 20th of the month, we're ending it at the end of the month, the

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30th; so we were going to be a month behind; so we've just finished the first month of our year.

Virginia Weeks: And what about the previous six?

Mayor Newlands: We have to go through an audit on that.

Virginia Weeks: Because it's been on the Agenda a lot, so I was just wondering.

Mayor Newlands: That's the boiler plate that we put out.

Virginia Weeks: Thank you.

- e. Bob Howard, 217 Chandler Street: I just wanted tonight to thank the people of Milton who came to the Branding Workshop. We had a total of about 50 people show up to give their input and to come and hear what the consultant recommended. There were other people who expressed an interest in it, so I sent out an email with a link to the website where the material was posted to 66 different people. But I wanted to thank the Council for coming to that Workshop and providing their support for that. Most of the feedback I have gotten was positive; I got a couple of negative comments, but I forwarded them on to the consultant. The Committee hopes that we can build on this and Kathryn Greig's announcement tonight was great; hopefully more of that will be happening in Milton. All I wanted to do was say thank you for everybody who participated.
Mayor Newlands: Thank you, Bob. Okay, now we're going to close the public participation.
3. Call to Order: Mayor Newlands called the Town Council Meeting to order at 6:58 p.m.
4. Moment of Silence
5. Pledge of Allegiance
6. Roll Call:

C Lester	Present
C Martin-Brown	Present
C Duby	Present
C Abraham	Present
Vice Mayor Betts	Present
Mayor Newlands	Present
C Prettyman	Absent
7. Agenda – Additions or Corrections
Mayor Newlands: Are there any additions or corrections to the Agenda?
C Martin-Brown: Yes, Mr. Mayor. If I may sir, on the September 13 minutes, I was recorded as absent. I was here and there is copious intervention...
Mayor Newlands: That's the next one, that's on the minutes.
C Martin-Brown: All right.

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- Mayor Newlands: This is just on the Agenda. Are there any additions or corrections to the agenda?
8. Approval of the Agenda
Mayor Newlands: Can we get an approval on the agenda?
C Duby: So moved.
C Lester: Second.
Mayor Newlands: We have a motion and a second. All in favor. Aye. Opposed.
Motion is carried.
9. Presentation and Approval of Minutes: August 9, 2010 and September 13, 2010
C Martin-Brown: Should I reiterate my concern Mr. Mayor?
Mayor Newlands: You were saying that you were present for the September 13th meeting?
C Martin-Brown: You will see numerous commentaries by me in those minutes, but I'm listed on the first page as absent.
Mayor Newlands: That's pretty good of you.
C Martin-Brown: I thought that was pretty good.
Mayor Newlands: Are there any other comments on the minutes, problems, concerns? Can we get a motion to approve the minutes?
C Abraham: I make a motion to approve the minutes of August 9, 2010 and September 13, 2010 as amended.
Vice Mayor Betts: Second.
Mayor Newlands: We have a motion and a second. Are there any questions? All in favor. Aye. Opposed. Motion is carried.
10. Discussion on Written Committee Reports
Mayor Newlands: We do not have any written committee reports. We can skip number 10; we don't have any committee reports.
11. Department Reports: Public Works, Project Coordinator, Code and Police
Mayor Newlands: Public Works – Dustan will get copies for everybody, because they weren't ready when we left Town Hall. Our building permits are still way down, if you noticed that. We don't have to vote on these reports. Does anybody have any questions or comments they would like to make on the reports?
C Lester: Not on the report itself, but I'm just wondering if we could just correct the spelling on sanitation.
Mayor Newlands: Yes, okay.
12. Finance Report and Expenditures/Revenue Report
C Lester: Wednesday morning, the two CPA's from the contractor in PA will be here at Town Hall to begin their review of the records and it will actually be a Planning Session actually to see how they are going forward. They want to get started; they also have certain deadlines to meet according to the contract.
C Duby: Did we approve the contract?
C Lester: I think so, yes.

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C Duby: I thought all we had was the report from when the State Auditor person was here; she said they were the only ones who had...

Mayor Newlands: We put it out for bid and we only had one response for the bid and we approved the money. The money was approved in the budget.

Seth Thompson: You put it out for bid.

C Duby: Yes, I know. I don't remember us approving the contract with them though for the full \$40,000 some thousand dollars.

Mayor Newlands: Some of that money we're going to get from other towns, so we shouldn't be going over the \$25,000; they're going to be writing books for us and procedures for us; and other towns are going to share in that cost; so whatever is over the \$25,000 they will share in that cost.

C Duby: I don't remember any discussion of that or voting on the contract; I just want to be sure that that was done. I don't remember that.

Mayor Newlands: We mentioned it last month or the month before, that we were going to get money from other towns to share in the cost of the procedures; because a lot of the other towns are using the Edmunds Software and they all have the same procedures.

C Lester: So going forward, at least one of the people coming in Wednesday, has experience and knows the people at Edmunds Software, so I don't have to put them in touch with Edmunds Software; they will make that connection themselves and I'm hoping that between the accounting firm, Edmunds Software and whatever services I can provide, that this will be a time saving factor; that we will do whatever we can do; at least I'll do whatever I can do; to keep the costs down. I know there are some things that I can perform that, instead of having one of their staff people do it; but I don't want to get involved in any operation of the books, until they've looked it over and they've got a clean understanding that there is a lot of recordkeeping from last year for instance, accounts payable from the September 30, 2009 that have never been corrected; so expenses during the year have been charged as expenses; instead of being charged against the liability from a prior year. I just want to get a roadmap from these fellows Wednesday so we can move ahead quickly and as efficiently as possible. I have talked to a couple of people from other towns and they would like to update their recordkeeping and written records; and a couple of them are in the same position as this town is in; where they have no written procedures at all.

C Duby: So maybe we weren't so far out of the mainstream after all.

C Lester: Well I think we are. I talked to Seaford, the Town Manager of Seaford has an accounting background, an accounting degree; and their Finance Director is a CPA, so they instinctively knew what to look for. Records and procedures are good, so that nothing gets missed and in going forward everybody has the same game plan. We never looked at anything. So I think we were out of the ball park in that regard. So for the next Council Meeting possibly we'll have at least one of these CPA's coming and talking to Council.

C Martin-Brown: Mr. Mayor, if I might, to follow up. I just wanted to follow up on my request a month ago, Norm; that we had some validation from the State Auditor's Office in PA that these were bona fide in terms of approved by their State System since they are coming from out-of-state.

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C Lester: We tried that. I did have a conversation with Kathleen O'Donnell about that and she felt assured that because that firm offers a great number of firms in both NJ and PA and some in DE; the State Auditors Office felt comfortable with their background. When you get into depth and their staff, etc. I don't think you're going to get somebody who is going to sign off on anybody.

C Martin-Brown: Okay. Thank you.

Mayor Newlands: Thank you. Did you have anything else? I had prepared a couple of things just for the Finance section. When I wrote this up, so that if Council is seeing this, there's a mistake in it. We did bill the customers properly on the first bullet item; it's just that we owe about \$5,300 more to M-T Trash; they didn't bill us correctly for the last year, so we owe them a few more dollars. The second bullet is that we didn't charge 35 residents for the last couple of quarters, up to five quarters of water bills, so it's pretty much the last 35 homes built, weren't being charged; so we're catching up on that; I want to thank Robin and Caroline; they've spent an enormous amount of time getting the bills straightened out; so we caught a lot of this. The last item, that is not on your sheet, because it happened after we passed these sheets out, Allen Atkins and I applied for state funding to get on a list for state funding for a couple years out to put up a new water tower; and the State came along and actually granted us; we don't get the money until we apply for it; but they actually bumped us right to the top of the list, for some reason. We have until the end of January to actually do the application and the money doesn't come in until 2012 if we want it; so this is something that the Engineers have asked us to put a water tower on the other side of town; on the other side of the river, somewhere near Heritage Creek because they want to balance out the water flows; we need back up water towers and a well pump, so that is something that they've been after us to do for a while. We just wanted to get on the list, but apparently the list got real short and we didn't know about it until Thursday, so there's \$2.6 million sitting there, if we want to take advantage of it and there's some talk that these may not be required to be paid back in part or all; we don't know yet. That won't be decided on probably for another year. So there's money out there, that we can take advantage of pretty soon if we need to. We would fill out the request for this at the end of January and not get any money until 2012. So we have a lot of work to do internally and I think we have a lot of planning to do with the Engineers to get all this moving and see how we want to do all this and sit down to work out all the finances as well. As you can see, Georgetown is on here for a couple of items; as are Middletown, Wilmington. The general trend of thought was that we would be 2 or 3 years on the list. So things happen fast sometimes. That's all I have for Finance, my part of it.

13. *Old Business – Discussion and possible vote on the following items:

- a. Stephanie Coulbourne: Just to give a brief update on the energy grant. Today I got a letter from the State of Delaware Historical and Cultural affairs. They've reviewed the grant application and they found that all the items the Town of Milton would like to upgrade, they have determined the project will have no adverse affect on the Milton Historic District which is listed on the

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National Historic Register of Historic Places. The only condition they put on the project is if we were to put solar panels on Town Hall, we have to make sure they are not visible from Federal Street. That was the only condition, but they approved all the other items. So now we can proceed with the contractors. Mayor Newlands: Thank you. Does anybody have any questions on any of that?

b. Changing the signage ordinance within town limits

Mayor Newlands: This came up from the signs that were posted around town about the Theater. C Martin-Brown you had brought this up that you wanted I put this that you wanted to discuss this.

C Martin-Brown: You want me to address this?

Mayor Newlands: Yes, please.

C Martin-Brown: Talk about extemporaneous requirement. My concern and I think a lot of people feel that it ought to be a concern is that we do not have what I would describe as capricious enforcement. If, in fact, we wish to advertise an event or make signage that announces fund raising, ask people to support a candidate, or ask people to contribute to something and there is signage that either everybody has to fill out a permit or nobody has to fill out a permit; if a permit is filled out, that the permit is issued, if approved verbally; so there is tangible evidence that a permit has been issued; we just need to get continuity and predictability; so that we don't appear to be content driven, which has a way of polarizing vested interests that exist everywhere in the human race. The free speech issue is also important; the right to have a sign on your property that expresses support; now obviously there is a problem if I have a sign on my property that says what I think of some person by name, then that's a slander issue. But I still have that right, if I'm sued for having a non-complementary sign on my property. I was saddened that the sign I have on my property Save the Theater, was taken. So I was able to get another copy of the sign and had my husband hammer, nail, wire and anchor it to the fence; so that in order to remove the sign, a 6' section of my picket fence must be removed. I think that's ridiculous and sad, but it was a matter of principle. We just need to have predictable enforcement of ordinances and we need clarity of language. Now one of the things that I feel is wonderful about this town it has a very robust community of volunteers. People work awfully hard at the Museum and at the Library and for the baseball team and for all these different events. And on occasion they are doing something that they want the whole town to join them in participating. So we can't be selective. If I want a sign that says Support the Audubon Society and someone else is into zebras and doesn't want to have me support the Audubon Society, we introduce all kinds of local conflict we don't need. So Mr. Mayor I would propose that Town Hall, Robin, have a very good reason and document it, in writing, as to why a permit for a sign may not be issued and that a written explanation is there for the record. The presumption then would be that any sign on personal property could be issued and, in fact, we have them hanging over the streets, when we're doing things like the Duck Race or whatever. So the presumption

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of the ordinance and the law would reinforce the spirit of the first amendment and if you felt a sign was egregious, that you would be able to document why a permit was not issued and that furthermore, a permit be issued to every single person requesting or no permits be issued; so we have some ordinance work to do Mr. Mayor.

Seth Thompson: Mr. Mayor, hopefully I can put a legal gloss on the issue. The problem, as I see it, is the way the ordinance governing your signs, is currently written. In essence, it prohibits everything and then it carves out exceptions to that prohibition. So, Councilwoman, I understanding what you're saying and I guess when it comes to free speech, I'm not looking at the content of the sign, by any means; but if you look at your ordinance, again; everything is prohibited unless the sign fits within certain categories. And it doesn't matter what that message is. For instance, you have a category for political signs; and that's fine. I think the Milton Theater; I think you would be trying to put a square peg into a round hole with that.

C Martin-Brown: Well we can't have capricious enforcement; that's the issue. We cannot have inconsistent or capricious enforcement.

Mayor Newlands: One thing you don't realize. We were looking the other way with all those signs and we still are; because to get a permit, you need a permit for every single resident and we haven't asked anybody to use a permit.

C Martin-Brown: And this is the dilemma.

Mayor Newlands: And we've been looking the other way since then. The problem that came up at the last month's meeting was that they wanted to be put on the agenda and I could not do that and they did not understand that. So we've been looking the other way with those signs and we've said nothing to anybody.

C Martin-Brown: I think Mr. Mayor that you've been very diplomatic and gracious in this matter; and I think that we just need to fix what's broken, Mr. Solicitor, in a way where we do not have these petty problems and we don't over prescribe. If we're concerned about over regulation of government, I cannot think of a better example at the local level Mr. Mayor. But thank you.

Seth Thompson: And just to finish up, if you want to reverse it, that's certainly fine; but not only is every sign, except for the exceptions, prohibited; every sign requires a permit, even if it is permitted; except for the ones that are labeled as no permit required. So you have two steps...

C Duby: I think what is clear is a re-write of the sign ordinance; so I think we should move as quickly as possible to do that, because I think what has happened will happen again, because if we have an ordinance that is not clear; and I believe this one is not; then there is always the possibility of it being enforced in ways that are discriminatory based on the content of the sign and we can't have that happen. So I think we need to rewrite it. I don't know whether you need to appoint a committee or whether it goes to Planning and Zoning because it is part of the Zoning Ordinance or what, but it needs to be reviewed and rewritten.

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Seth Thompson: Based on your current Zoning Ordinance, it needs to go to Planning and Zoning first. That's how it is.

C Duby: Great. Whatever.

Seth Thompson: It's not permissive, it's that it must. I completely agree that there is a large area for improvement. I would recommend avoiding any sort of definitions that conflict with subsequent definitions; in essence there should be one section that defines, and then you could put the categories as permitted, if that's how you want to do it. If you want to reverse it, where these types of signs are not permitted, except for permits; that's fine as well. But the whole thing is relatively confusing because then you go on to your sections that discuss what signs are permitted in the various districts; and that doesn't necessarily coincide with the general provisions. So it could use a rewrite.

C Lester: I would concur with the Councilwoman. We definitely need a rewrite. I felt there were, if I could use the word "capricious" decisions made during the last campaign about how certain signs were placed, etc. I think we're going to be heading into another campaign period shortly and it would be great to know whether you can place a sign against a wall; not against a wall; what is free standing; etc., so I think there is some work to do.

Vice Mayor Betts: And time limits.

C Duby: And then once it is rewritten and clearer than it is now, and I understand we're very short staffed right now, but it also needs to be enforced because I have seen numerous houses all over town where there are two and three and four signs for the same candidate, on the same property, which is prohibited, and so on. So it has to go hand in hand. Let's get an ordinance that is clear; that people can understand and know what the rules are and then let's enforce it against everybody that violates it; not just certain organizations or certain people or certain properties or whatever.

Mayor Newlands: Where do you want to start?

C Duby: He says it has to go to Planning and Zoning, so.

Mayor Newlands: Do you want to let them start it? Or do you have suggestions that you would like to pass to Planning and Zoning, maybe that you would like to see in there?

Vice Mayor Betts: I think we should have time limits.

C Martin-Brown: My own response is give it to Planning and Zoning; they deal with this kind of stuff and let's look at what they come out with and if we end up needing to have some kind of public comment or something; we could accommodate that.

C Duby: If they want to appoint a sub-committee to do whatever.

C Martin-Brown: So we end up with the due process starting with Planning and Zoning, I think Mr. Mayor.

Mayor Newlands: Okay, well Planning and Zoning is here, so they know.

Seth Thompson: When it comes back from Planning and Zoning, you'll have to do the newspaper publication; that will be the best time for a public comment.

C Martin-Brown: Do you need a motion that we officially...

Seth Thompson: It's automatically referred.

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C Martin-Brown: Okay fine, finished. Thank you Mr. Mayor.
Mayor Newlands: Thank you.

c. Resolution to limit traffic from large trucks within the town limits

Mayor Newlands: This is a result of C Martin-Brown getting hold of DelDOT and limiting the trucks to more than 3 axles outside of the town limits; so they are to go around the time limits; and also DelDOT is supposed to be changing some of the signs that route you through Alt. Route 5 to make the wording stronger so that trucks, except for local deliveries, will stay outside of town.

Seth Thompson: Again, just to reiterate that point, it's actually 3 or more axles that would be prohibited other than for local deliveries. All this is going to be subject, at least the State maintained and I noticed a typo, toward the bottom of the Resolution, it references state owned highways; it should be "state maintained highways; which would cast a broader net, obviously. And that tracks with the language in the State Code. But all this is going to be subject to their approval in terms of the state maintained highways, so that is why it is a Resolution; but I would then suggest, as soon as you get that approval, amending your Code so that it's then and there probably in the Streets & Sidewalks section, I would say. I just recommend, instead of having kind of floating Resolutions and Ordinances out there; that once everything is in place, to make it a permanent requirement; that you then put it in the area of the Code where it seems to make the most sense and somebody would be looking for it. With that Mr. Mayor, I will read a brief Resolution on Truck Traffic Restrictions: "WHEREAS the Town Charter of the Town of Milton authorized the Town Council to provide for the safety and health and the public welfare of the town as evidenced in its affairs; including but not limited to the Regulation of Streets and Highways; and WHEREAS, Title XVII, Section 134 (e) of the Delaware Code provides that local authorities on the basis of an Engineering Study and Traffic Investigation within respective jurisdictions may prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weight thereof on designated highways which prohibitions and limitations shall be posted as set forth in §4505 of Title 21, except that the alteration of weights or the prohibitions of trucks or other commercial vehicles shall not be affected on any state maintained highway until such alteration has been approved by the Department; and, WHEREAS, the Department of Transportation, Traffic Study Section has conducted a field investigation evaluating the existing signing for State Route 16, State Route 5A in Milton Ellendale Highways; State Route 16, State Route 30, State Route 35A Gravel Hill Road; State Route 248 and State Route 5A Sand Hill Road; State 319, as well as signs on State Route 5 Union Street Extension; State 22, State Route 5 Union Street; State 22, State Route 5 Federal Street; State 22 at Atlantic Road, Cave Neck Road; State 88 in reference to road signs and signs directing truck traffic. NOW THEREFORE be it resolved, that the Town Council of the Town of Milton does hereby prohibit trucks having three or more axles from using any highways, street, road, alley or land within the incorporated town limits, except for any such truck going immediately to or

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leaving immediately from a local delivery within said limits. The effect of this prohibition on any state maintained highways is conditioned upon the approval from the Delaware Department of Transportation. For any other highway, street, road, alley or land the effect of this prohibition shall be immediate. Be it therefore further resolved the Town Council of the Town of Milton does hereby order the submission of the designated area, the corporate town limits, to be referred to the Delaware Department of Transportation for its approval relating to state [and it should be maintained] highways.” Then is should be prepared for signature. Does anybody have any questions?

C Duby: Yes, I have a process question, I guess; because I’m not clear on what you were saying. The process is we pass this Resolution; it goes to the State for their approval as to State Maintained Highways and then how do we get this into the Code?

Seth Thompson: It would then be an Ordinance to amend your Code.

C Duby: Okay. So we need to get their approval back before we can do that.

Seth Thompson: At least on the state maintained ones, but that’s right. Rather than doing two amendments.

Mayor Newlands: We do have some Resolutions that are still sitting on our books, that are not incorporated into the Code, so it’s a good idea to get them all caught up and get them put into Code.

C Martin-Brown: And I think it would help Mr. Mayor for everyone to know that the State has been very, very helpful in providing the guidance for this and the language for this; they have been very forthcoming.

Mayor Newlands: We need a motion to accept this Resolution.

C Duby: I move acceptance and passage of the Resolution.

Vice Mayor Betts: I’ll second.

Mayor Newlands: We have a motion and a second to approve/pass the Resolution. All in favor say aye. Opposed. Motion is carried.

14. New Business – Discussion and Possible Vote on the following items:

- a. Request from Gerry Colosimo, 115 Lavinia Street, tax lot 2-35-14.19-04.01 for a geothermal well for a heating system

Mayor Newlands: The applicant is not here; Robin Davis will just briefly explain what is going on here.

Robin Davis: Mr. Mayor and Council, I spoke with Gerry this afternoon and he is in Texas, so of course, he’s not going to be able to be here tonight. What he’s requesting is just he’s purchased the lot on Lavinia Street; he’s going through the process of getting ready to build a home there; he plans on putting a geothermal heat system in and would like to have a well installed for that unit. As required by our Ordinance, he has to get approval by Mayor and Council to do that; we’ve had some in the past that the Council has approved, so it’s just more standard issue.

Mayor Newlands: We do about one a year now?

Robin Davis: Yes, maybe. That’s something that we’re looking into as an Ordinance changes; maybe that’s something that we need to put on the list of things to do.

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Mayor Newlands: I think that's something that at some point maybe just a permit would be issued.

Robin Davis: Yes he has to go to DNREC to get the permit; so DNREC usually calls us and asks for a letter from us saying yes or no.

C Abraham: I would like to make a motion to approve the geothermal well for the heating system on tax lot 2-35-14.19-04.01.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to approve the geothermal well. All in favor say aye. Opposed. Motion is carried.

- b. Bond reduction at the request of the developer for Heritage Creek (That's Ocean Atlantic)

Mayor Newlands: Ben Gordy will speak.

Ben Gordy: Good evening, I'm the Project Manager with Ocean Atlantic and we are the developer of Heritage Creek. We are here tonight to request a reduction in the current Letter of Credit which was issued back in April, 2008. It included all the construction costs for Phase 2A, which was the first phase in Heritage Creek. That Letter of Credit is No. 1-2073B. It's currently in the amount of \$2,052,000. The majority of the site construction has been completed in Heritage Creek. That was done in early 2009. We've been working with CABE Associates over the last couple of months to agree on what's left to be completed and the cost to complete that work. We both agree that there is the final paving; the manhole adjustments; curb repair; the off-site water connection, which connections the entrance of Heritage Creek to just in front of Mariner Middle School; restoration and then approximately half of the sidewalks are left. We typically do not construct sidewalks until the homes are built. That way the home construction is not going to damage the construction sidewalk and we typically don't final pave until home building is more complete. We're requesting the reduction because our lender will not let us move on to next phase of construction without a reduction in the Letter of Credit. I'm sorry I didn't give you the amount that we agreed to. We and CABE Associates agreed that there's approximately \$295,000 left of work. The Town's Code calls for 125% to be bonded, so we're requesting right around \$368,000; and as I said, the bank will not allow us to move on to the next phase of construction and they will not issue any other Letters of Credit until this one is reduced. Also, there is a renewal fee that we have to pay every year; it's equal to 2% of the total amount of the Letter of Credit, so it's just over \$41,000; that's required to be paid to the bank per year; if it's reduced to the amount that CABE Associates agreed to, that amount will be reduced \$7,359.38, which essentially is a savings to the developer of \$33,680.60 per year.

C Abraham: So the letter that we have dated for August 18th recommending \$471,000 is not correct?

Ben Gordy: I believe that was probably... Was that this year?

C Abraham: That was 2009.

C Duby: That was superseded by the email that you just received.

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Vice Mayor Betts: Are you saying that you do not finish the sidewalks until each house is finished?

Ben Gordy: Yes, we've got the sidewalks constructed along Heritage Boulevard; the main entrance of Heritage Creek. The other streets we construct as the homes are built.

Vice Mayor Betts: Can I ask why we did Wagamon's West Shores; we made them finish the streets, uh the sidewalks, before they finished the homes? I can't understand why they want a reduction now? Aren't we going to do the same thing in one development as the other?

Mayor Newlands: I don't know why Wagamon's West Shores was forced to do all the sidewalks.

Vice Mayor Betts: But they were.

Mayor Newlands: I know.

Vice Mayor Betts: And they did not get a bond reduction until they were finished.

Robin Davis: Mr. Mayor, I think the reason that Wagamon's West Shores was required to do it, is because they wanted to final everything out. They are not finaling everything out; they just want a reduction in the bond.

Ben Gordy: Correct.

C Duby: And the sidewalk construction is included in this.

Ben Gordy: Yes.

Vice Mayor Betts: But I was under the impression that you said you would not finish the sidewalks until the lots were sold and the houses were built.

Ben Gordy: Correct we construct each sidewalk as the home is built; so we've got a remaining amount of \$36,200 for sidewalk construction.

Mayor Newlands: He's covering it with a bond; he's covering the sidewalks with a bond.

Vice Mayor Betts: Okay you're still going to have a bond enough to do it.

That's what I was questioning. Okay thank you. I just wanted to make sure.

Mayor Newlands: This is Phase 1, right?

Ben Gordy: It's called Phase 2A, but it's our first phase of construction.

Vice Mayor Betts: I just wanted to make sure we were consistent in our developments.

Mayor Newlands: They're not looking to dedicate the streets yet.

Ben Gordy: No, we still have final paving and then the remainder of sidewalk construction before we can do that.

Vice Mayor Betts: And there will be bond enough for that.

Ben Gordy: Yes.

Mayor Newlands: This bond includes everything to finalize everything up to the time they can be dedicated.

Vice Mayor Betts: Fine, that's fine, I just wanted to be sure, thank you.

Mayor Newlands: And CABE's gone through and on the punch list of the development and it is in really good shape. The development was done by 4C Construction, wasn't it?

Ben Gordy: Correct.

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Mayor Newlands: So CABA is really satisfied with the way the development turned out.

Vice Mayor Betts: That's fine.

C Duby: Mr. Mayor I move that we allow Heritage Creek to reduce the bond or Letter of Credit to \$368,000.

Vice Mayor Betts: I'll second that.

Mayor Newlands: We have a motion and a second to lower the Letter of Credit down to \$368,000. Let's do a roll call vote:

C Lester	Yes
C Martin-Brown	Yes
C Duby	Yes
C Abraham	Yes
Vice Mayor Betts	Yes
Mayor Newlands	Yes

Mayor Newlands: Motion is carried.

Ben Gordy: Thank you.

Mayor Newlands: You're welcome.

c. Issue payment to TESI per contract

Mayor Newlands: I knew we threw a lot of data at you with this item here, with the spreadsheet; but in short, we owe Tidewater about \$125,000. This is money that we have been escrowing for them that we have to pay them back. The one problem with it is, is that the money has been put into the general fund and spent. It wasn't really escrowed on the side, so we now have to take this out of the general fund. So we haven't come up with a final figure with them, but it's in the neighborhood of \$125,000. It could be \$120,000 or \$130,000.

C Duby: Now the back of the sheet says \$108,000; what is that?

Mayor Newlands: That was the original total and there are some issues that we had, if you actually go to the first item on the list, for 2007. That \$25,000 that it says underneath Milton, \$25,500; we were assuming that we were going to keep that. There's a difference in the way when the contract was written and the closing of the contract; the contract was supposed to close in February 2007. It didn't, so there was a dollar amount in the contract that said that Tidewater owed us and the monies that we owed them; but the contract didn't close until July of 2007; so the contract has a stipulation that they would get whatever was in the escrow account at closing. We gave them what was in the escrow account in February. So we owed them more money; so the difference here in 2007, is the 17 properties that were in question that got built in that time frame. So we thought we were owed that money and they're telling us it's not, so we're still looking at all that. This has been lingering out there since April with them, so we need to get this paid. So we have a spreadsheet from them that's got a couple of houses that are a slight bit different than the ones we have. So we're going through and netting down in each individual house to make sure that we have it balanced. The general

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thing now is we owe them around; it will be within \$5,000 or \$10,000 that we owe them; we just need to cut a check to them soon; once we've leveled out all these houses. It will be a final number and we're no longer escrowing any money for Tidewater so that we don't get into this problem again.

C Duby: Is the money going to be paid directly to them?

Mayor Newlands: This money?

C Duby: No, going forward; you said we're not going to escrow anymore; will it still come to us or go to them.

Mayor Newlands: No the sewer impact fees go straight to Tidewater and Tidewater pays us \$1,500 out of that; that's just the payment schedule they use. They could pay us \$1,500 a month, if they wanted to; but the payment schedule is as they get a permit, they pay us \$1,500 and Robin has it worked out where we will not issue a building permit until we see a letter from Tidewater stating that they've paid their impact fees. So we have to get assurance that Tidewater has paid before a building permit is issued. So we just need a motion.

C Duby: If we're going to approve this...

C Abraham: I was going to say, where is this coming from that we have to approve it where?

Mayor Newlands: We're going to have to borrow this from the Utility Account for now.

C Duby: If we're going to approve this and we don't have the exact number, can you give us a maximum amount it would be, so that the motion can be not to exceed.

Mayor Newlands: Sure I guess make it \$130,000 and worse case, when we settle it with them, if it's a little bit more, we'll just come back and move that amount of money and then the following month we'll come back to Council and say it was another \$5,000, if we need to. I don't have a problem with that.

Vice Mayor Betts: \$130,000.

C Duby: Not to exceed \$130,000. I move that we approve the payment to Tidewater as discussed in an amount not to exceed \$130,000.

C Martin-Brown: Wait, point of order; I would like to have a question answered about this before the motion, may I do that?

Mayor Newlands: We need a second first.

C Abraham: Second.

Mayor Newlands: Okay we have a motion and a second. Any discussion?

C Martin-Brown: Yes. We've just been through a very painful budget process and this \$125,000 it is has not been in that budget discussion that we finalized going into effect October 1 this year.

Mayor Newlands: That's correct, but we did discuss this in July.

C Martin-Brown: Right, now, question; since this would have to come out of basically our savings account; now is there a way to defer receiving that \$1,500 from Tidewater into the future so that retires itself; we don't get the \$1,500, but we do get a \$1,500 deduction against the total due them every month for the next 12, 15 months? In the meantime, we keep our money in the bank earning interest.

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Mayor Newlands: We can certainly discuss that with them. I'm not sure how they're bookkeeping will go, because they have records to keep and they're accounting to someone. We can definitely discuss that with them.

C Martin-Brown: Could you do that, because then if we don't pull that money out of our capital funds, where we're earning interest on it and they're not paying us, but they're debiting this.

Mayor Newlands: And Robin, we have a line on the budget that's going to go to the \$1,500 right; to the impact fees; I think that's budgeted in there; so that's a revenue item that we may not be getting a revenue item then. So it could be...

C Martin-Brown: Well it would be interesting if they were opened to this to help us through this rough budget time and they're not going to lose any money, because they can ding us; but in the meantime they're not washing money out of their windows either.

Mayor Newlands: Right, I agree.

C Martin-Brown: Thank you.

Mayor Newlands: We have a motion and a second. Any further discussion?

C Duby: Should I amend the motion to include the possibility of negotiating?

Mayor Newlands: Sure.

C Duby: Let me withdraw the previous motion. You can withdraw your previous second.

C Abraham: I withdraw my second.

C Duby: I move that we authorize payment to Tidewater in an amount not to exceed \$130,000 with the Mayor authorized to enter into negotiations with them about payment structure.

Vice Mayor Betts: I'll second that.

Mayor Newlands: We have a motion and a second to authorize up to \$130,000 being paid to Tidewater, with the provision that we discussion payment plans with them; credit line. All in favor say aye. Opposed. Motion is carried.

d. Council on the elimination of Yard Waste in the weekly trash pick up

Mayor Newlands: This is really informational for the Council and the public when you start getting questioned on this. You've seen it in the paper a number of times. Stephanie and I met with Mike Stang of M-T Trash. We're just going to discuss the yard waste disposal, not recycling; because there's a timing difference. Recycling comes down a few months after this, so starting January 1st; residents will no longer be allowed to place yard waste in their trash containers. That's the first thing. Secondly, M-T Trash will not pick up yard waste separately. They will not pick up bags of yard waste, at all. They can get a \$500 fine if they are caught dumping yard waste out of their trucks, so it is a big incentive for them not to pick up anything. So if you start comingling things in there and they get caught dumping yard waste, they get a \$500 fine and they may start going through the trash a little more thoroughly just to make sure you're not putting in yard waste. It's \$500 per truck, so when they dump a truck out if something is caught and they have 5 trucks there and they get caught on 2 of them, it's \$1,000. So it's a lot of money to

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them if they caught doing this. This has nothing to do with the haulers, this is strictly the Delaware Solid Waste Authority and the way they're managing or mis-managing their business. Now what Mike Stang is suggesting from M-T Trash what some of the Towns are doing, is they will put a 30 yard open container, twice a year, in a certain container and let residents put their yard waste in that. He charges \$150, plus the weight of the materials that go to the landfill; they get charged \$20 a ton and they would bill Town \$150, plus whatever the tonnage cost is; and that's just a suggestion and we don't have to vote on this today; it's just something to think about for the future; whether or not we want to allow having a 30 yard container. We would put it in the maintenance yard down on Front Street and it would be just really a couple of days in April and a couple of days in September for the large types of yard waste that people have. I encourage you when you mow your lawn, mulch the grass, don't pick it up; it actually counts as one feeding for the lawn, so if you can mulch your lawn.

C Duby: Are we going to do any leaf pick up?

Mayor Newlands: We didn't get a chance to talk to Milford; we'll talk about that tomorrow and if we can we'll announce something.

C Duby: Because that will help too.

Mayor Newlands: This is a good business opportunity for somebody. DSWA has really just dropped this thing and just left everybody in the lurch with this.

C Martin-Brown: We've got a couple of guys in town that would like this business.

Mayor Newlands: Yes, this would be a good business for them. Mulching the stuff on your own is not that easy and a lot of people, depending on where you live, you're not allowed to have compost piles. So depending on the subdivision or neighborhood you live in, you can't have compost piles, so it is an issue. Now just to let everyone know, the tipping fees that the haulers are getting charged for the next three years are going up; because they are running out of landfill space; but yet the DSWA are reducing what goes into the landfill by not taking this yard waste and they're not taking recycling as of next year; but they're still increasing the tipping fees.

C Abraham: But twice a year you could use this big 30 yard thing to go to the landfill?

Mayor Newlands: It goes to a composting facility.

C Duby: It goes to a different place.

Mayor Newlands: Yes it goes to a much different place. When we were at SCAT earlier in October, Blue Hen came in and gave us a whole education on how composting works and the business of composting and it is a science the way it's done and it is regulated and it is a very big business. So I think Blessings on Route 1 does composting as well. I think there is a local hauler. I don't know where Blue Hen is. They are in Long Neck. Composting is a big business and you could actually go to Blue Hen and buy composting material, they will sell it to you. I just wanted to bring that up and if we want to talk about the 30 yard container at some point, we have time to discuss that. As I said, M-T Trash would charge us \$150 for the container, plus the cost of

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dumping the material and that's \$20 a ton going into the landfill and they would just give us the bill for that and we would just pay that. We'll talk about recycling after the first of the year; so as not to get confused with the yard waste.

C Duby: What's the deadline for the recycling thing?

Mayor Newlands: Funny thing, the deadline is September 15th I think, somewhere in September; except the DSWA is not going to pick up recycling after April. So go figure. I don't know why they're doing that.

C Lester: Plus it's optional to recycle or not to.

Mayor Newlands: Actually it's optional to recycle, but it's mandatory that you get charged for it, so I'll get more information about that for the next meeting or two. Any other questions about yard waste.

- e. Christmas Eve Holiday – Changing of date Town Hall will be closed

Mayor Newlands: With the holiday being on a weekend we will close the Town Hall at different time.

Stephanie Coulbourne: Just the memo that I wrote and just for the public's knowledge, the Christmas Eve holiday falls on a Friday and Christmas Day being on a Saturday this year and according to the Employee Handbook; when an approved holiday falls on a Saturday the preceding business day shall be considered the legal holiday. Since Town Hall is closed for half a day on Christmas Eve, December 24th, technically, according to the Handbook, Town Hall will be closed on Friday, December 24th, so I was just asking Council to consider moving the Christmas Eve holiday to Thursday, December 23rd at noon.

C Martin-Brown: Mr. Mayor I so move.

C Abraham: Second.

Stephanie Coulbourne: And lastly, just to tell you that New Year's Day is also on a Saturday, so we'll be closed on December 31st.

Mayor Newlands: So we have a motion and a second for the Christmas Holiday. All in favor say aye. Opposed. Motion is carried.

15. Executive Session – Discussion on Personnel Issues and Litigation/Potential Litigation

Mayor Newlands: We need a motion to go into Executive Session.

C Duby: So moved.

C Lester: Second.

Mayor Newlands: We have a motion and a second to go into Executive Session at 7:51 p.m. All in favor. Aye. Opposed. Motion is carried.

C Duby: I make a motion that we come out of Executive Session.

C Martin-Brown: Second.

Mayor Newlands: We have a motion and a second to come out of Executive Session at 9:02 p.m. All in favor. Aye. Opposed. Motion is carried.

C Abraham: I make a motion that we authorize the matter to be referred to mediation.

Vice Mayor Betts: Second.

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Mayor Newlands: We have a motion and a second to authorize dispute resolution. All in favor say aye. Opposed. Motion is carried.

C Abraham: I make a motion to authorize the Chief's proposal of use of grant for enhancement in the Police Department.

C Martin-Brown: Second.

Mayor Newlands: We have a motion and a second to authorize the Police Chief's county grant money. All in favor say aye. Opposed. Motion is carried.

16. Adjournment

Mayor Newlands: Need a motion for adjournment.

C Duby: I make a motion to adjourn.

C Martin-Brown: Second.

Mayor Newlands: We have a motion and a second to adjourn; all in favor; aye; opposed; motion is carried. Meeting adjourned at 9:03 p.m.

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